

***United States Court of Appeals
for the Second Circuit***



PETITION

vs

PRIVATE CITIZENS (alphabetically)

SHIRLEY CHISHOLM, 1149 Eastern Parkway
Brooklyn, N.Y.

ROBERT F. DRINAN, Totten Pond Road
Waltham, Mass.

JOHN DOW, 56 Grand Avenue
Balmville, N.Y.

HAMILTON FISH JR. Millbrook, N.Y.

ELIZABETH HOLTZMAN, 1452 Flatbush Avenue
Brooklyn, N.Y.

RICHARD OTTINGER, 235 Bear Ridge Road
Pleasantville, N.Y.

CHARLES RANGEL, 74 West 132nd Street
New York, New York

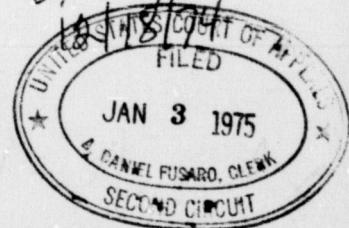
PETER RODINAE JR., 970 Broad Street
Newark, N.J.

No. # 74-2544



May you have a
Merry Christmas
and resolve for the
New Year to
Suffice "1/2"!!

Victor Sharrow



Briefs & Appendices PETITION OF APPEAL

This Petition of Appeal should be heard by the Second Circuit Court of Appeals to give the above named private citizen defendants who sought election to the House of Representatives, the opportunity to answer, the still unanswered question, "UNDER WHAT SPECIFIC APPORTIONMENT PROVISION AND WORDS OF THE UNITED STATES CONSTITUTION DID THEY RUN FOR ELECTION TO THE UNITED STATES HOUSE OF REPRESENTATIVES?"

Since Section 2 of the 14th Amendment controls completely and COMMANDS the computation for the Apportionment, which has not been enforced, as admitted in writing, then there can be no doubt that all of the candidates for election to the House of Representatives did not run under a constitutional computation for apportionment, depriving all the law abiding, voting citizens of their right to vote for their correct constitutional apportionment of Representatives.

This is a most serious and constitutionally correct question that is not "patently frivolous" as described by the erroneous District Court Judge Thomas P. Griesa in his two, none readable none-decisions continuing Watergate cover-up of illegal actions.

Instead of discussing the fraudulent straw-man nonsense and citation of the Coppedge case, which was a criminal and not a civil case, which stood for exactly the opposite of what he thought it meant, it would be best to save all the criticism, until after the replies from all the defendants, to discuss at one time in writing, and orally in court, including how to improve the procedures of the over-cluttered courts, which is a subject so dear to the heart of Chief Judge Irving Kaufman of the Second Circuit Court of Appeals.

As part of the speeding up procedure I would like to suggest, as I have in the past, persuasively, the make up of the members of the Second Circuit Court of Appeals, when this case is heard.

Twice before, Senior Circuit Judge Sterry Waterman has sat in on this "very same" case, and twice before, both recent past Chief Judges of the Second Circuit Court have also sat in on this "very same" case, namely J. Edward Lumbard and Henry Friendly.

But most important is for the present Chief Judge Irving Kaufman, to sit in on this case, not only to hear what is to be offered to improve and speed up the overworked, cluttered courts, but also because of the fact, that the last time he sat in on this case, and allowed more than three times the usually allotted time for oral argument, and allowed the taping of the oral presentation, Judge Kaufman gave an unsolicited oral testimonial to the Attorney Pro-Se, Victor Sharro, for making such an interesting, memorable presentation, that can be done again, only, bigger, better and with more humor.

To save paper, accept this notarized Petition of Appeal, also as an Affidavit of Service, that this brief, two page brief, is being served on the named defendants, better and cheaper than the Marshall's office who couldn't find Fish, and Dow:

Sworn to before me

this 17th day of

(signed)

December, 1974

Wm. A. Camp

NOT frivously yours,

Victor Sharro
VICTOR SHARRO, Pro-Se
Crompond, N.Y. 10517
December 18, 1974

WMA A CAMP
Notary Public Appointed in
Westchester County
No. 5582450
Term Expires March 30, 1976

cols.
4/45

Judge Bars F.B.I. Watch Over Parley of Socialists

By ARNOLD H. LUBASCH

A Federal Judge has ordered the F.B.I. not to conduct any surveillance of a national convention of the Young Socialist Alliance.

Judge Thomas P. Griesa issued the order in Federal District Court here as a result of a complaint by the alliance, a left-wing political group, which said that the Government's surveillance inhibited people from attending its meetings and exercising their freedom of speech.

The judge's order, which was signed Friday night and filed yesterday, bars the Federal Bureau of Investigation from "attending, surveilling, listening to, watching or otherwise monitoring" the alliance's 14th national convention beginning Dec. 28 in St. Louis.

Leonard Boudin, a lawyer for the socialist group, said that the order marked "the first time in American history that a Federal court has prohibited F.B.I. surveillance of any political organization." He added that it was "a legal consequence of Supreme Court decisions protecting the right of association."

Justification Denied

The F.B.I. declined to comment on the order, which the Government may appeal to the United States Court of Appeals for the Second Circuit.

Judge Griesa said after a two day hearing that he was issuing the order to the bureau because "the proposed surveillance threatens a substantial impairment of First Amendment rights" without justification by the Government.

For many years, the judge said, the F.B.I. has apparently carried on surveillance of meetings of the Socialist Workers Party and its Young Socialist Alliance because they were considered "Marxist revolutionary organizations whose purpose is the illegal overthrow of the United States Government."

He observed that information as kept in files, supplied to other agencies and used to question party members who sought Government jobs.

The F.B.I. planned to send confidential informants to the Dec. 28 convention to find out who attended the meetings and what they discussed. Judge Griesa said, adding that such surveillance was a "substantial deterrent" to attendance by the Young Socialists.

"As a matter of policy," the judge said, "it seems to me that the healthy thing for our society to do is to permit this group to freely have their discussions of the issues which concern them and of their theories."

The judge stressed that the Government had provided "absolutely nothing" to indicate any violent or illegal activity by the Socialist groups.

Herbert Jordan, who argued their case at the hearing, submitted affidavits by Socialist leaders asserting that they did not "advocate violence or any other illegal activity."

The surveillance complaint was part of a continuing lawsuit by the Socialist groups seeking an injunction and damages for alleged harassment by the Government.

Judge Griesa

Victor Garrison

Doesn't a "patently frivolous" denial of a right to discuss an even more important constitutional issue in open court impair First Amendment Rights?

PLAINTIFF: THE UNITED STATES CONSTITUTION
Represented by: VICTOR SHARROW, Pro Se
Crompond, N.Y., 10517

Re: 74-2544

vs

PRIVATE CITIZENS (alphabetically)

SHIRLEY CHISHOLM, 1149 Eastern Parkway
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New York, New York

PETER RODINER JR., 970 Broad Street
Newark, N.J.

X

APPENDIX

This Appendix contains:

- 1 - U.S.C.J. William H. Mulligan's order of 12/13/74 (not received until January 1, 1975) order to proceed on 6 typewritten briefs and dispense with a printed appendix.
- 2 - A copy of the docket entries.
- 3 - A copy of U.S.D.J., Thomas P Griesa's UNREADABLE order of October 21, 1974.
- 4 - A copy of U.S.D.J., Thomas P. Greisa's UNREADABLE order of November 12, 1974.
- 5 - A copy of the Documents transferred from the District Court to the Court of Appeals as of 11-22-74.

Copies of this Appendix, with the five attachments have been sent to the above named defendants.

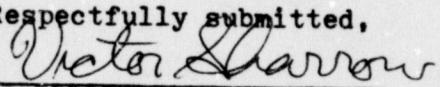
Sworn to before me

this 3rd Day of

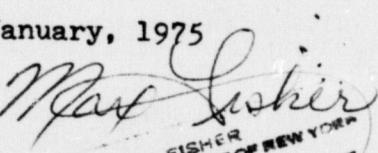
(signed)

January, 1975

Respectfully submitted,


VICTOR SHARROW, Pro-Se
Crompond, N.Y. 10517

January 3, 1975


MAX FISHER
NOTARY PUBLIC, STATE OF NEW YORK
NO. 30-6311325
QUALIFIED IN NASSAU COUNTY
TERM EXPIRES MARCH 30, 1976



The United States
v. Private

It is hereby ordered
proceed on 6 typewritten
The appendix, however,
and the final decision

Date: 12/15/77

74-2544

es Constitution Represented by: Victor Sharow
e Citizens Chisholm et al.

lered that Victor Sharow, appellant pro se, may
ten briefs and dispense with a printed appendix.
, must contain at least a copy of the docket entries
n of the District Court.

William H. Mulligan

U.S.C.J.

CIVIL DOCKET
UNITED STATES DISTRICT COURT

74 CIV. 4611

Jury demand date:

C. Form No. 104 Rev.

TITLE OF CASE

THE UNITED STATES CONSTITUTION,
Represented by VICTOR SHARROW

vs.

SHIRLEY CHISOLM,
ROBERT F. DRINAN,
JOHN DOW,
HAMILTON BISH, JR.,
ELIZABETH HOLTZMAN,
RICHARD OTTINGER,
CHARLES RANGEL,
PETER RODINO JR.

To get this copy of first
want to be 18th floor
then 17th floor, back to
the 18th (where the file
was missing - then
down to the 6th floor
then down to the
5th floor - Outrageously
V for
Barrow 11/3/75

~~JUDGE GRIESA~~
ATTORNEYS

ATTORNEYS

For plaintiff:

Victor Sharrow

Paulding Lane, Groton, N.H. 10517 528-5

5819

For defendant:

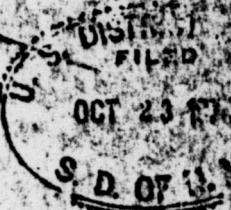
STATISTICAL RECORD	COSTS	DATE	NAME ON RECEIPT NO.	REC'D.	RECORDED
U.S. 5 mailed x	Clerk	1/25/1944	W. H. Mulligan	15	
U.S. 6 mailed ✓	Marshal	1/25/1944	W. H. Mulligan	5	
Basis of Action: Enforcing Constitutional provision of Sec 2, of 14th Amendment.	Docket fee				
	Witness fees				
Action arose at:	Depositions				

74 UV 4611

DATE	PROCEEDINGS	Outcome or Disposition
Oct 21-74	Filed complaint & issued summons.	
Oct. 23-74	Filed Memo-End on unsigned Show Cause Order. I decline to sign the Order to Show Cause, & direct that the complt be dismissed. So Ordered. GRIKSA, J. m/n	
Nov 12-74	Filed Memo-End on back of application to file appeal in forma pauperis....Application for leave to appeal in forma pauperis is denied. ...since the appeal would be patently frivolous and thus not in good faith....So Ordered...GRIKSA, J. (pr-26 m/n)	
Nov 20-74	Filed Pltff's Notice of Appeal to USCA from an order of final judgment of 10-23-74. Mailed Notices on 10-22-74 to: Shirley Chisholm; Robert E. Drinan; John Dow; Hamilton Fish Jr; Richard Ottinger; Charles Rangel; Peter Rodino; Elizabeth Holtzman.	
Nov. 15-74	Filed summons & returns by Marshal. Served: Shirley Chisholm By: Mr. Robles 10-31-74 Robert Drinan Marshal 11-6-74 John Dow Not served " Hamilton Fish Jr. Eliz. Holtzman Mr. Freeman 10-31-74 Richard Ottinger M. Fogel 11-7-74 Charles Rangel A. Rangel 10-29-74 Peter Rodino Mrs. Palnick 10-30-74	
Nov. 22-74	Filed notice that original record on appeal has been certified & transmitted to the USCA.	

74 Civil 4611

decline to sign
the order to show
cause, and direct
that the complaint
be dismissed.

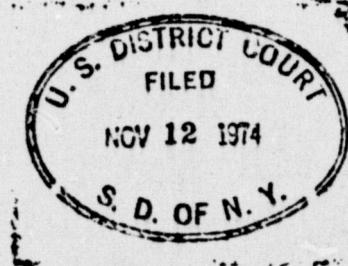


Oct. 21, 1974
This HORRIBLE copy sent to the plaintiff states
"I decline to sign the order to show cause
and direct that the complaint be dismissed."

"So ordered Thomas P. Gruen
Oct. 21, 1974 USDC
USDC
Victor Sharrow
Oct. 21, 1974

application for leave to
 appeal in forma pauperis
 is denied, pursuant to
 28 U.S.C. ~~§ 1915(b)~~ § 1915
 since the appeal was
 palpably frivolous and
 made in good faith. C.
 United States, 367 U.S.
 145 (1962).

12, 1974



(57)

This SECOND, HORRIBLE, UNREADABLE, INCOMPLETE
Copy sent to the plaintiff states → (not on this copy above)
application for leave to
appeal in forma pauperis
is denied, pursuant to
28 U.S.C. ~~§ 1915~~ § 1915(a)

Thomas P. Jones

U.S. Dist. Ct. N.Y. District Court
for the Southern District of New York
12/12/74

1974

1974

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

Trans as of 11-20-74

11 St. (Victor Sharrow)

vs
Shirley Chisholm et al

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF
NEW YORK.

CASE NO. 74-civ-4681
JUDGE Greenglass

INDEX TO THE RECORD ON APPEAL

DOCUMENTS

Certified copy of docket entries	A-B
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Memo endorsed 10-23-74 on unsigned order to Show Cause	2
Memo endorsed 11-12-74 on unsigned order	3
Notice of Appeal	4
Clerk's Certificate	5